



## Public Policy Final Report: 2014

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The Tennessee General Assembly adjourned on April 17, 2014. Each legislative session is a span of two years and this ends the second year for the 108<sup>th</sup> General Assembly. When legislators convene in January 2014, it will be the first year of the 109<sup>th</sup> General Assembly which means new legislation will be introduced, new committee chairs will be appointed and, more importantly, new state representatives and senators will join the legislature. Three state senators and eight state representatives announced their retirement and are not running for re-election. The state primary election will be August 7, 2014 and the general election is scheduled for November 14, 2014. You can see who is running for election in your district at [www.tn.gov/sos](http://www.tn.gov/sos).

### Budget overview

The Tennessee General Assembly passed a revised \$32.4 billion budget. The budget was approved without the inclusion of raises for state employees and teachers despite attempts of some legislators to restore those items in the appropriations bill. But it did include two new DIDD staff positions hired specifically to begin planning services for individuals with developmental disabilities (DD) without intellectual disabilities (ID). It also included full funding for the Family Support Program and additional dollars to move 100 persons from the crisis category on the waiting list to being served through the self-determination waiver. The appropriations bill was approved 68-27 in the House and 28-3 in the Senate.

### Legislative report

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During this legislative session, over 130 bills were filed that could potentially affect persons with disabilities, although most never made it to the House and Senate Floors. Below is the current status of Council's top tier bills that were closely monitored throughout the legislative session.

**Schools Vouchers/ "TN Choice and Opportunity Scholarship Act"**  
**SB 196 - Sen. Mark Norris (R-Memphis), HB 190 - Rep. Bill Dunn (R-Knoxville)**

**Status - Did not pass**

Governor Haslam's Tennessee Choice and Opportunity Scholarship Act creating a school voucher program failed to make it to the House floor for the second year in a row. The bill passed the Senate with an amendment that allowed children who attend the bottom 5% of performing schools the first opportunity to apply for a school voucher. If additional vouchers were available, the pool would widen to include any low income children in the local school district or LEA. The House version differed in that if any vouchers remained available, the pool would open up to students in the bottom 10% of schools. After weeks of unsuccessfully trying to muster up enough votes for passage, Rep. Bill Dunn ultimately took the bill off notice in the House Finance Committee.

#### **Waiting List bill / Self-Determination Waiver**

**SB 1600 Sen. Rusty Crowe (Johnson City), HB 1467 Rep. Bob Ramsey (Maryville)**

#### **Status - Did not pass**

Legislation that would automatically enroll persons in services through the Self-Determination Waiver if their caregiver was over the age of 75 was introduced this year. Although committee members spoke in favor of legislation that would move some people off of the waiting list, it faced an uphill battle due to its \$3 million fiscal note. The legislation was taken off notice in both the House and Senate Finance Committees with promises to return next legislative session.

#### **Insurance Coverage for Autism Spectrum Disorders and the Autism Taskforce**

**SB 1286 – Sen. Jim Tracy (R-Shelbyville), HB 1265 – Rep. Kevin Brooks (R-Cleveland)**

**SB1298 – Sen. Jim Kyle (D-Memphis), HB 1137 – Rep. Gloria Johnson (D-Knoxville)**

**SB2538 – Sen. Jim Tracy (R-Shelbyville), HB 2257 – Rep. Steve McManus (R-Cordova)**

#### **Status - Autism Insurance mandate did not pass; Creation of Autism Taskforce passed**

Two pieces of legislation were filed that would require insurance companies to cover the screening, diagnosis and treatment of autism spectrum disorders, including applied behavioral analysis therapy. In an attempt to reduce the fiscal note, sponsors agreed to an amendment that would have excluded state employees, TennCare recipients and self-insured companies (such as Nissan), from the insurance mandate. After much debate, the sponsors decided to amend the bill to create an Autism Spectrum Task Force in hopes of finding a solution that would help more than the 15% of individuals/families the “watered down” bill would have covered.

The Autism Spectrum Taskforce is charged with reviewing existing data, reports, and quality of life outcomes from agencies serving individuals with autism. By assessing the availability of programs and services currently provided for early screening, diagnosis, and

treatment of autism, members hope to develop recommendations to improve health insurance coverage, screening, diagnosis and treatment of autism. Those findings become a starting point for potential legislation and will be reported to the Governor and members of the General Assembly on January 15, 2015.

**Abuse of ‘Vulnerable’ Adults, Enhanced Penalty, Elder Abuse Taskforce  
SB 1852 – Sen. Rusty Crowe (R-Johnson City), HB 1768 – Rep. Courtney Rogers (R-Goodlettsville)**

**Status - Passed**

Legislation was introduced to increase the penalty for abusing and neglecting “vulnerable adults”, which the bill language defined as an “adult who is unable to manage his or her resources or carry out the activities of daily living due to mental or physical dysfunctions or advanced age”. After much discussion, the sponsors of the bill decided that in addition to increasing the penalty for elder abuse to a Class D felony vs. a Class E felony, those convicted should be placed on an abuse registry. To take the bill a step further, the legislation was amended to create an Elder Abuse Taskforce.

The charge of the Elder Abuse Taskforce is to assess the current status of elders and other vulnerable adults in Tennessee (which includes adults with intellectual and developmental disabilities). The task force members will examine the existing barriers, services and resources addressing the needs of elder persons and vulnerable adults and develop recommendations to address those problems. After reviewing remedies to reduce the number of individuals who suffer from abuse, they will recommend needed state policies or responses, legislative remedies and give direction towards coordinating services to support and protect this population. The Commission on Aging and Disability and the Disability Law and Advocacy Center of TN will have representatives on the Elder Abuse Taskforce.

**Motorcycle Helmets, Motorcyclist Liberty Restoration Act  
SB 548 - Sen. Mike Bell (R-Riceville), HB 44 - Rep. Cameron Sexton (R-Crossville)**

**Status - Did not pass**

The Motorcyclist Liberty Restoration Act is legislation to repeal the law that requires motorcyclists to wear helmets; this is a recurring issue in Tennessee and some version of this bill has been introduced each session for the past 12 years. Besides the belief that more deaths and serious injuries would occur if the law was repealed, proponents also fought against a huge fiscal note. This year’s legislation required operators to have a minimum

insurance coverage of \$25,000 and be at least 25 years old. They would also be required to complete a motorcycle safety course and after completion would receive a sticker for their tag indicating they met all requirements.

Last year, for the first time, the bill passed out of the House Transportation Committee with 10 ayes – 7 nays, and was assigned to the House Finance Subcommittee. Its companion bill fared well in the Senate Transportation Committee passing with a vote of 6 ayes – 3 nays. The bill came up for a vote in Senate Finance Committee and came short of passing by one vote. After the Senate vote, the house sponsor took its companion bill off notice.

### **Step Up Scholarship**

**SB1905 – Sen. Doug Overbey (R-Maryville), HB1876 – Rep. Bob Ramsey (R-Maryville)**

#### **Status - Passed**

This legislation is a “cleanup bill” for last year’s Step Up Scholarship legislation, which provides the Hope Scholarship for students with intellectual disabilities who attend postsecondary education programs for students with ID. When the bill passed last year, students who were already in a college program were unintentionally left out. This bill allows the six students who would have qualified for the Step Up Scholarship, if it were available in 2012-2013, to receive those scholarship dollars. It also requires postsecondary institutions to notify potential eligible students of the opportunity to apply for the scholarship. It passed unanimously in both the House and Senate.

- ❖ Questions about bills from the 2014 session, legislation that may arise in the 2015 legislative session, or other public policy issues? Contact Tiffany Mason, Director of Public Policy for the Council at [tiffany.mason@tn.gov](mailto:tiffany.mason@tn.gov) or 615.741.5019.